

Appl. No. 10/719,263
Atty. Docket No. 9435
Amdt. dated 8/16/2005
Reply to Office Action of 6/8/2005
Customer No. 27752

AMENDMENTS TO THE DRAWINGS

The attached sheets of drawings includes changes to Figs. 1-4. These sheets, which include Figs. 1-4, replace the original sheets including Figs. 1-4.

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REMARKS

Claim Status

Claims 1-12 are pending in the present application. No additional claims fee is believed to be due.

Rejection Under 35 USC § 102 Over Wada

Claims 1 and 7-11 been rejected under 35 USC § 102(b) as being anticipated by Wada (EP 1064901 A2). This rejection is traversed because Wada does not disclose a tampon having an outer surface comprising a plurality of recessed portions. The outer surface of the tampon 1 in Wada is a hydrophobic liquid-permeable layer covering the absorbent layer 26. As shown in Fig. 5 of Wada, the outer surface of the tampon 1 is essentially smooth, with the exception of the fold lines created as part of the process of compressing the absorbent 2 into the final desired shape shown in Fig. 2. As shown in Figs. 3 and 5 of Wada, the recessed portions 3 are covered by the hydrophobic liquid-permeable layer covering the absorbent layer 26. The hydrophobic liquid-permeable layer covering the absorbent layer 26, which forms the outer surface of the tampon 1 does not have any recessed portions. Thus, the outer surface of the tampon 1 does not have any recessed portions and Claim 1 is allowable over Wada. The Applicant respectfully requests that the rejection of Claim 1 under 35 USC § 102(b) be withdrawn.

Because Claims 7-11 are dependent upon Claim 1, Claims 7-11 are also allowable over Wada. The Applicant respectfully requests that the rejections of Claims 7-11 under 35 USC § 102(b) be withdrawn.

Rejection Under 35 USC § 103(a) Over Wada in view of Schoelling

Claims 2-6 have been rejected under 35 USC § 103(a) as being unpatentable over Wada (EP 1064901 A2) in view of Schoelling (US 2001/0014348). This rejection is traversed because Wada and Schoelling, when combined, fail to teach all of the claim limitations of the present invention.

The Wada and Schoelling references, when combined, fail to teach or suggest a tampon wherein said outer surface of said tampon comprises a plurality of recessed portions. The outer surface of the tampon 1 in Wada is a hydrophobic liquid-permeable layer covering the absorbent layer 26. As shown in Fig. 5 of Wada, the outer surface of the tampon 1 is essentially smooth, with the exception of the fold lines created as part of

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the process of compressing the absorbent 2 into the final desired shape shown in Fig. 2. As shown in Figs. 3 and 5 of Wada, the recessed portions 3 are covered by the hydrophobic liquid-permeable layer covering the absorbent layer 26. The hydrophobic liquid-permeable layer covering the absorbent layer 26, which forms the outer surface of the tampon 1 does not have any recessed portions. Thus, the outer surface of the tampon 1 does not have any recessed portions.

The outer surface of the tampon 10, in Schoelling, is a cover 22 comprising a fluid impervious plastic material having a multiplicity of perforations. Schoelling, pg. 1, ¶14 lines 5-9. As shown in Fig. 2 of Schoelling, the perforations completely penetrate the impervious plastic material 22 forming the outer surface of the tampon 10. In the present invention, recessed portions are depressions projecting generally inwardly from the outer surface. A perforation is a hole. There is no material at the location of a hole. Therefore, in Schoelling, there can be no recessed portion of the outer surface of the tampon at a location of a hole.

Because neither Wada or Schoelling teach or suggest a tampon having an outer surface comprising a plurality of recessed portions, Claims 2-6 are allowable over Wada in view of Schoelling. The Applicant respectfully requests that the rejections of Claims 2-6 under 35 USC § 103(a) be withdrawn.

Rejection Under 35 USC § 103(a) Over Wada in view of Child et al.

Claim 12 has been rejected under 35 USC § 103(a) as being unpatentable over Wada (EP 1064901 A2) in view of Child et al. (US 6,283,952). This rejection is traversed because Wada and Child et al., when combined, fail to teach all of the claim limitations of the present invention.

The outer surface of the tampon 1 in Wada is a hydrophobic liquid-permeable layer covering the absorbent layer 26. As shown in Fig. 5 of Wada, the outer surface of the tampon 1 is essentially smooth, with the exception of the fold lines created as part of the process of compressing the absorbent 2 into the final desired shape shown in Fig. 2. As shown in Figs. 3 and 5 of Wada, the recessed portions 3 are covered by the hydrophobic liquid-permeable layer covering the absorbent layer 26. The hydrophobic liquid-permeable layer covering the absorbent layer 26, which forms the outer surface of the tampon 1 does not have any recessed portions. Thus, the outer surface of the tampon 1 does not have any recessed portions.

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The outer surface of the tampon 10 in Child et al. also does not teach or suggest a tampon having an outer surface comprising a plurality of recessed portions. Because neither Wada or Child et al. teach or suggest a tampon having an outer surface comprising a plurality of recessed portions, Claim 12 is allowable over Wada in view of Child et al. The Applicant respectfully requests that the rejection of Claim 12 under 35 USC § 103(a) be withdrawn.

Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejections under 35 USC §§ 102, 103. Early and favorable action in the case is respectfully requested.

This response represents an earnest effort to place the application in proper form and to distinguish the invention from the applied references. In view of the foregoing, reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1-12 is respectfully requested.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By



Signature

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